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8 Attorneys for Plaintiffs
9 ROCHE PALO ALTO LLC and ALLERGAN, INC.

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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 ROCHE PALO ALTO LLC, formerly known
16 as Syntex (U.S.A.) LLC, and
17 ALLERGAN, INC., a Delaware corporation,

18 Plaintiffs and Counter-Defendants,

19 v.
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21 APOTEX, INC., a Canada corporation, and
22 APOTEX CORP., a Delaware corporation,
23

24 Defendants and Counter-Plaintiffs.
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26 Case No.: C 05 02116 MJJ
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28 **STIPULATION AND [PROPOSED]
ORDER RE TIME TO RESPOND TO
COUNTERCLAIM**

1 WHEREAS, on May 24, 2005, Plaintiffs and Counter-Defendants Roche Palo Alto LLC and
2 Allergan, Inc. commenced the present action by filing a Complaint for infringement of United
3 States Patent No. 5,110,493 ("the '493 patent") by Defendants and Counter-Plaintiffs Apotex, Inc.
4 and Apotex, Corp.

5 WHEREAS, on July 25, 2005, Defendants and Counter-Plaintiffs answered the Complaint
6 and filed a Counterclaim seeking, *inter alia*, declaratory relief that the '493 patent be adjudged
7 invalid and unenforceable.

8 WHEREAS, on August 16, 2005, counsel for Plaintiffs and Counter-Defendants requested
9 from counsel for Defendants and Counter-Plaintiffs that the deadline for filing Plaintiffs and
10 Counter-Defendants' response to the Counterclaim be postponed;

11 WHEREAS, the parties wish to agree on a date certain for Plaintiffs and Counter-
12 Defendants to respond to the Counterclaim in this matter; and

13 THEREFORE, by and through their respective undersigned counsels, the parties hereby
14 stipulate that Plaintiffs and Counter-Defendants' response to Defendants and Counter-Plaintiffs'
15 Counterclaim shall be due on August 26, 2005.

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1 IT IS SO STIPULATED.

2 DATED: August 17, 2005

3 /s/

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11 Attorneys for Plaintiffs and Counter-Defendants
12 ROCHE PALO ALTO LLC and ALLERGAN, INC.

13 DATED: August 17, 2005

14 /s/

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22 Attorney for Defendants and Counter-Plaintiffs
23 APOTEX, INC. and APOTEX CORP.

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 DATED: August 19, 2005

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28 The Honorable Martin J. Jenkins
United States District Judge
For the Northern District of California